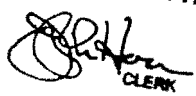


FILED
JUL 01 2011

CLERK

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

TERRENCE DUBOIS STINSON,	*	CIV. 11-4061
	*	
Petitioner,	*	
-vs-	*	OPINION AND ORDER
	*	
WARDEN DOOLEY; and	*	
MARTY JACKLEY,	*	
	*	
Respondents.	*	
	*	

Petitioner, Terrence DuBois Stinson, an inmate at the South Dakota State Penitentiary, filed this pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on May 3, 2011.

Petitioner was found guilty by a jury of two counts of simple assault and two counts of aggravated assault and was sentenced on December 2, 2002. Petitioner's conviction was the subject of a previous petition pursuant to 28 U.S.C. § 2254 which was thoroughly reviewed and dismissed with prejudice. *See* CIV. 07-4100. In this case, there is no showing that petitioner has received permission from the Eighth Circuit Court of Appeals to file a second or subsequent writ of habeas corpus as is required by 28 U.S.C. § 2244(b)(3)(A). As a result, this court is without jurisdiction to consider petitioner's request for relief. *Williams v. Hopkins*, 130 F.3d 333, 335-36 (8th Cir. 1977); *Garrett v. Groose*, 99 F.3d 283, 285-86 (8th Cir. 1996). Because this is a successive petition, the petition is dismissed. Therefore, it is hereby

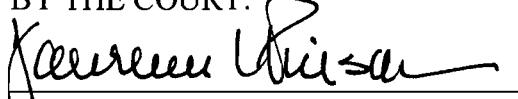
ORDERED that petitioner will not be allowed to proceed without prepayment of fees.

IT IS FURTHER ORDERED that petitioner's petition for writ of habeas corpus and all pending motions are denied.

IT IS FURTHER ORDERED that the Clerk is directed not to accept for filing and to return to petitioner any further motions in this action.

Dated this 19 day of July, 2011.


BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: 
(SEAL) DEPUTY